

NATIONAL RECOVERY ADMINISTRATION

**AMENDMENT TO
CODE OF FAIR COMPETITION**

FOR THE

**FULLER'S EARTH
PRODUCING AND MARKETING
INDUSTRY**

AS APPROVED ON SEPTEMBER 25, 1934



UNITED STATES
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Approved Code No. 356—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
FULLER'S EARTH PRODUCING AND MARKETING
INDUSTRY**

As Approved on September 25, 1934

ORDER

**APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE
FULLER'S EARTH PRODUCING AND MARKETING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition, and NOTICE OF OPPORTUNITY TO BE HEARD, Administrative Order 356-4, dated June 22, 1934, having been published and the objections filed pursuant to said notice having been given due consideration, and the annexed report on said amendment, containing findings with respect thereto having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference, said annexed report, and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

C. E. ADAMS,
Division Administrator.

WASHINGTON, D.C.,
September 25, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Fuller's Earth Producing and Marketing Industry.

FINDINGS

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, I have approved this amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

SEPTEMBER 25, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE FULLER'S EARTH PRODUCING AND MARKETING INDUSTRY

Amendment No. 1.—Article II, Section 1 to be revised by eliminating the Section and substituting therefor the following:

The term "Fuller's Earth" is a general term used to define all clays and/or clay-like mineral earths which are produced in any form for the primary purposes of decolorizing and/or filtering and/or neutralizing oils and/or fats and/or similar substances, not requiring chemical treatment for such purposes.

Amendment No. 2.—Amend Section 1 of Article V by inserting the following sentence after the second sentence in the Section:

Within thirty (30) days from the approval of this Amendment the Code Authority shall submit to the Administrator for approval, a list of such operations or occupations.

Amendment No. 3.—Amend Section 7 of Article V by striking out the Section and substituting therefor the following:

SECTION 7. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

Amendment No. 4.—Amend Article V by adding the following provision as Section 9.

No employer shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of this Code.

Amendment No. 5.—Article VI, Section 1, to be changed to read "Article VI, Section 1 (a)" and adds as a new Section 1 (b) thereto the following:

The Code Authority may, upon its own initiative or upon the request of one or more members of the Industry, and subject to the approval of its action by the Administrator, appoint not more than two additional members of the Code Authority from among members of the Industry or their representatives, such members to be appointed for the same term of office as the four members described in Section 1 (a) of this Article, and to act together with the said four members, as members of the Code Authority, provided that no member of the Industry shall have more than one representative on the Code Authority; and further provided that after the first term the two additional positions hereby created shall be filled in the same manner as set out in Section 1 (a) above.

Amendment No. 6.—Delete Section 4 of Article VI, and sub-Section (g), Section 6, Article VI, and re-number the remaining Sections of Article VI to conform to arithmetical order, and change sub-Section (h) of Section 6 of Article VI to read sub-Section (g). Delete sub-Section (f) of Section 6 of Article VI and substitute the following:

(f) 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contribution, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval by the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 356—Amendment No. 1.
Registry No. 1013-10.



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